



**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS  
INDIANAPOLIS REGULATORY OFFICE  
8902 OTIS AVENUE, SUITE S 106B  
INDIANAPOLIS, INDIANA 46216  
FAX: (317) 547-4526

January 30, 2013

Operations Division  
Regulatory Branch (North)  
ID No. LRL-2013-59-djd

Mr. Scott Harris  
Town of Speedway  
1450 North Lynhurst Drive  
Speedway, IN 46224

Dear Mr. Harris:

This is in regard to the letter of December 20, 2012, from American Structurepoint, concerning the proposed placement of fill into 24 linear feet of Dry Run for the construction of the 16<sup>th</sup> Street roundabout in Speedway, Marion County, Indiana (Des. No. 1173522). We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

The Louisville, Detroit, and Chicago Districts issued Regional General Permit (RGP) No. 1 pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 CWA on December 15, 2009, for certain activities having minimal impact in Indiana. Since less than 0.10 acre of "waters of the United States" would be impacted by the discharge of dredged or fill material and the work is considered to have minimal impact on the aquatic environment, we have verified that your project is within the provisions of the RGP. Compliance with the enclosed RGP General Conditions and the Section 401 Water Quality Certification issued by the IDEM dated December 11, 2009, is required. You must provide the IDEM notification of this activity.

Upon completion of the work authorized by this RGP, the enclosed Compliance Certification form must be completed and returned to this office. This authorization is valid until December 15, 2014.

If you have any questions concerning this matter, please contact Ms. Deborah Duda Snyder by writing to the above address or by calling 317-543-9424. Any correspondence on this matter should reference our assigned Identification Number LRL-2013-59-djd.

Sincerely,

A handwritten signature in black ink, reading "Laban C. Lindley", is positioned above the printed name.

Laban C. Lindley  
Team Leader  
Indianapolis Regulatory Office

Enclosures

Copy furnished: IDEM (Randolph)  
American Structurepoint, Inc.

**MEMORANDUM FOR RECORD**

**SUBJECT:** Department of the Army Memorandum Documenting Regional Permit Verification

**Applicant:** Town of Speedway

**Project Location (*Waterway, Section, Township, Range, City, County, State*):** Dry Run, Sections 31 and 32, Township 16 North, Range 3 East, Speedway, Marion County, Indiana

**Pre-Construction Notification Receipt Date:** January 10, 2013 **Complete?** ☐Yes ☒No

**Additional Information Requested Date:**

**Pre-Construction Notification Complete Date:** January 28, 2013

**Waters of the US:**

\*see Preliminary JD dated: no Preliminary JD required

**Authority:** ☐Section 10 ☒Section 404 ☐Section 103

**Project Description (*Describe activities in waters of the U.S. considered for verification*):**

Construct a roundabout at the intersection of Crawfordsville Road/16<sup>th</sup> Street/Georgetown Road – includes constructing a new storm sewer trunk line that would connect the roundabout to Dry Run – impacts would be the construction of an outfall and placement of riprap along 24 linear feet of Dry Run

**Type of Permit Requested:** NWP # RGP # 1

**Pre-construction Notification Required:** ☐Yes ☒No

**Waiver required to begin work (*see GC 31 (a)(2) as applied to appropriate NWP*s):**

☐Yes ☒No

Rationale:

**Coordination with Agencies/Tribes Needed:** ☐Yes ☒No Date:

Resolution:

**Commenting Agencies:**

**Substantive Issues Raised and Corps Resolution (*Consideration of Comments*):**

**Compliance with Other Federal Laws (*If specific law is not applicable write N/A*):**

a) Endangered Species Act:

Name of species present: Indiana bat

Effects determination: No effect

Date of Service(s) concurrence:

Basis for "no effect" determination:

Additional information (optional): no habitat for Indiana bat in project area, complies with Indiana RGP #1 General Conditions

b) Magnuson-Stevens Act (Essential Fish Habitat): N/A

Name of species present:

Effects determination:

Date of Service(s) concurrence: Basis for "no effect" determination:

Additional information (optional):

c) Section 106 of the National Historic Preservation Act:

Known site present: ☐ yes ☒ no

Survey required/conducted: ☐ yes ☒ no

Effects determination:

Rationale: no cultural resources in area

Date consultation complete (if necessary):

Additional information (optional): project complies with Minor Projects Programmatic Agreement

d) Section 401 Water Quality Certification:

Individual certification required: ☐ yes ☒ no

☐ Issued      ☐ Waived      ☐ Denied

e) Coastal Zone Management Act: N/A

Individual certification required: ☐ yes ☐ no

☐ Issued      ☐ Waived      ☐ Denied

Additional information (optional):

f) Wild and Scenic Rivers Act: N/A

Project located on designated or "study" river: ☐ yes ☐ no

Managing Agency:

Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status:

Additional information (optional):

g) Other

**Special Conditions Required (include rationale for each required condition/explanation for requiring no special conditions):** ☐ yes ☒ no

Project complies with General Conditions of RGP No. 1, less than 300 linear feet of stream impacted, no mitigation required

**Compensatory Mitigation Determination:** The applicant has avoided and minimized impacts to the maximum extent practicable.

- (1) Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level?  
☐ yes ☒ no *[If "no," do not complete the rest of this section and include an explanation of why not here]* The proposed project has been designed to avoid and minimize impacts to the aquatic environment to the maximum extent practicable, and adverse effects would not be more than minimal.
- (2) Is the impact in the service area of an approved mitigation bank? ☐ yes ☐ no
  - i. Does the mitigation bank have appropriate number and resource type of credits available? ☐ yes ☐ no
- (3) Is the impact in the service area of an approved in-lieu fee program? ☐ yes ☐ no
  - i. Does the in-lieu fee program have appropriate number and resource type of credits available? ☐ yes ☐ no
- (4) Check the selected compensatory mitigation option(s):
  - ☐ mitigation bank credits
  - ☐ in-lieu fee program credits
  - ☐ permittee-responsible mitigation under a watershed approach
  - ☐ permittee-responsible mitigation, on-site and in-kind
  - ☐ permittee-responsible mitigation, off-site and out-of-kind
- (5) If a selected compensatory mitigation option deviates from the order of the options presented in §332.3(b)(2)-(6), explain why the selected compensatory mitigation option is environmentally preferable. Address the criteria provided in §332.3(a)(1) (i.e., the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project):

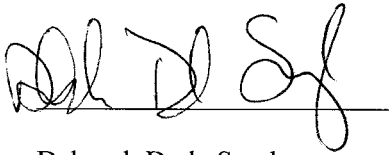
**Determination (Reference D. District Engineer's Decision):**

CELRL-OP-FN (Application LRL-2013-59)

SUBJECT: Department of the Army Memorandum Documenting Nationwide Permit/Regional General Permit Verification for the Above-Numbered Permit Application

The proposed activity would result in no more than minimal individual and cumulative adverse environmental effects and would not be contrary to the public interest. This project complies with all terms and conditions of Indiana Regional General Permit No. 1.

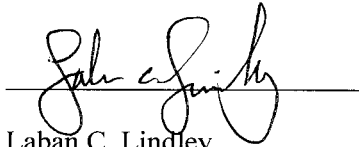
**PREPARED BY:**

A handwritten signature in black ink, appearing to read 'DD Snyder', written over a horizontal line.

Date: 01/30/2013

Deborah Duda Snyder  
Project Manager  
Indianapolis Regulatory Office

**APPROVED BY:**

A handwritten signature in black ink, appearing to read 'Laban C. Lindley', written over a horizontal line.

Date: 1/30/13

Laban C. Lindley  
Team Leader  
Indianapolis Regulatory Office

## REGULATORY-SECTION 106/Appendix C- DOCUMENTATION

Project Manager: Deborah Snyder Date: January 30, 2013  
*first and last name*  
 Applicant: Town of Speedway Project Name: 16th Street Roundabout ID#: LRL-2013-59  
**Type of permit:**    ☐ Section 10    ☒ Section 404    ☐ Section 10 / 404  
                          ☐ NWP# \_\_\_\_\_    ☐ PCN    ☒ RGP    ☐ LOP    ☐ IP    ☐ Violation

**Potential to Affect Historic Properties (to be made by the Regulatory project manager or in consultation with the Regulatory Archaeologist, if necessary):**

☒ The undertaking has no potential to affect historic properties, Section 106 is complete, no need to consult with SHPO; 36 C.F.R 800.3(a)(1), Appendix C, Section (3)(b), USACE Interim Guidance April 25, 2005.

**Rationale (check all that apply):**

- ☒ Area has been extensively disturbed by previous work; ☐ Area created in modern times;  
☒ Limited nature and scope of undertaking; ☒ No historic structures in the permit area or immediate viewedshed; ☐ The proposed work area is not visually prominent  
☐ Other

☐ The undertaking has the potential to affect historic properties or the potential is unknown (submit to regulatory archaeologist along with the following information).

- ☐ Map of project area, any off-site mitigation areas, and coordinates;
- ☐ Project plans or Public Notice;
- ☐ Any correspondence from SHPO or another Federal Agency (if included with permit application);
- ☐ Photo(s) of the project area(s) (if included);
- ☐ Information about houses, buildings, structures, etc. [including estimated construction dates] (if included);
- ☐ Previous Cultural Resources Work [predetermination reports, survey reports, etc.] (if included);
- ☐ Cultural Resources Survey Report / EIS / EA/other federal agency determination (if included).

**Effect Determination (to be made in consultation with the Regulatory Archaeologist):**

- ☐ No effects to historic properties; 36 C.F.R. §800.4(d)(1), 33 C.F.R. §325, Appendix C, Section (7)(b), USACE Interim Guidance April 25, 2005 (SHPO concurrence required within 30 days)
- ☐ No adverse effects to historic properties; 36 C.F.R. §800.5(d)(1); 33 C.F.R. §325, Appendix C(7)(c), USACE Interim Guidance April 25, 2005 (SHPO concurrence required within 30 days)
- ☐ Adverse effect to historic properties 36 C.F.R. §800.5(d)(2) and 33 C.F.R. §325, Appendix C(7)(d), USACE Interim Guidance April 25, 2005 (SHPO concurrence, MOA will be required)

### Rationale:

- ☐ No Effect: ☐ Archaeological and/or Structures survey identified no cultural resources; ☐ Archaeological and/or Structures survey identified resources but they are not eligible for the National Register (NR);
- ☐ No Adverse Effect: ☐ NR-eligible properties are present, but will not be adversely impacted by undertaking;
- ☐ Adverse Effect: ☐ Eligible properties present and will be adversely impacted by undertaking.

**Date Section 106 complete ( Choose One):**

- ☐ SHPO concurred with the Corps' effect determination on [add date]
- ☐ Memorandum of Agreement (MOA) accepted by the Advisory Council on Historic Preservation on [add date] (Note: this only applies to adverse effect determinations.)

**For Mining Projects Complete This Page:**

The Corps is responsible for Section 106 compliance for proposed mining operations only within our Permit Area and any off-site mitigation areas (Permit Area=impacted waters of the US plus riparian corridor [ $\pm$  50-foot width])

**Was a Cultural Resources review completed for SMCRA process:**

- ☐ Yes  
☐ No

**Did the applicant provide any of the following supporting documentation:**

- ☐ Letter from the Kentucky Heritage Council;  
☐ Letter from the Indiana DNR Division of Reclamation archaeologist (IN SHPO does not review mines, only mitigation areas.);  
☐ Letter from Illinois SHPO;  
☐ Other documentation (e.g. map showing sites and impacts, survey report, etc).

**Were any historic properties identified in the Permit Area:**

- ☐ Yes (submit documentation to Regulatory Archaeologist for Determination of Effect)  
☐ No. Section 106 is complete, no historic properties affected.

**Proposed Mitigation Area:**

- ☐ In-lieu fee/mitigation bank credits.  
  
☐ On-site. Cultural resources survey conducted during the SMCRA process.  
  
☐ Off-site (submit documentation to regulatory archaeologist):  
Survey Required: ☐ Yes ☐ No

**Effects determination for off-site mitigation area:**

- ☐ No potential to affect historic properties; 36 C.F.R. 800.3(a)(1), Appendix C, Section (3)(b), USACE Interim Guidance April 25, 2005. (no SHPO coordination required)  
☐ No effects to historic properties; 36 C.F.R. §800.4(d)(1), 33 C.F.R. §325, Appendix C, Section (7)(b), USACE Interim Guidance April 25, 2005 (SHPO concurrence required within 30 days)  
☐ No adverse effects to historic properties; ; 36 C.F.R. §800.5(d)(1); 33 C.F.R. §325, Appendix C(7)(c), USACE Interim Guidance April 25, 2005 (SHPO concurrence required within 30 days)  
☐ Adverse effect to historic properties 36 C.F.R. §800.5(d)(2) and 33 C.F.R. §325, Appendix C(7)(d), USACE Interim Guidance April 25, 2005 (SHPO concurrence, MOA will be required)

**Rationale (check all that apply for no potential to affect):**

- No Potential: ☐ Area has been extensively disturbed by previous work; ☐ Area created in modern times; ☐ limited nature and scope of undertaking; ☐ No historic structures in the permit area or immediate viewshed; ☐ The proposed work area is not visually prominent  
☐ Other \_\_\_\_\_
- No Effects: ☐ Archaeological and/or Structures survey identified no cultural resources; ☐ Archaeological and/or Structures survey identified resources but they are not eligible for the National Register (NR);
- No Adverse Effect: ☐ NR-eligible properties are present, but will not be adversely impacted by undertaking;  
Adverse Effect: ☐ Eligible properties present and will be adversely impacted by undertaking.

**Section 106 completed for off-site mitigation area when (Choose One):**

- ☐ SHPO concurred with the Corps' effect determination on [add date]  
☐ Memorandum of Agreement (MOA) accepted by the Advisory Council on Historic Preservation on [add date] (Note: this only applies to adverse effect determinations.)